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Date:

February 10, 2004

To:

After Final Communications Department
Patent and Trademark Office

Re:

Response to Office Action dated March 20, 2003
U.S. Patent Application Serial No.: 09/642,883
By: Masato KOIKE et al.
Your Reference: 50006647US
Our Reference: 001035

Fax Number:

703-872-9319

Number of Pages

21 (including cover sheet)

From:

Thomas E. Brown

To Whom It May Concern:

Attached to this Fax is a copy of the Response Under 37 C.F.R. §1.116; Petition for Extension of Time; Change of Correspondence Address and Date Stamped Post Card which were filed on December 22, 2003. However, it appears that this Response was never entered. As such, please enter this Response as soon as possible.

PLEASE ACKNOWLEDGE SAFE AND CLEAR RECEIPT OF ALL PAGES BEING SENT

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EXAMINER'S AMENDMENT

Remark

- This Office Action is in response to applicant's request for reconsideration (please see the interview summary enclosed), on March 4, 2004. It is also in response to applicant's amendment filed after final rejection on February 10, 2004, which will be entered.
- By this amendment, the applicant has canceled claims 1, 6, and 11, and has amended claims 2, 4, 7, 9, 12, and 14.
- Claims 2-5, 7-10, and 12-15 remain pending in this application.

Examiner's Amendment

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Tom Brown on March 4, 2004.

The application has been amended as follows:

In claims 4, 9 and 14, **delete** the following equation:

$$h_{\phi} = \frac{\lambda}{2(\cos\alpha + \cos\beta)}$$

and **replace** with the following equation,

$$h_{\phi} = \frac{\lambda}{2(\cos\alpha + \cos\beta) \cos\phi}$$

Examiner's Reasons For Allowance

2. The following is an examiner's statement of reasons for allowance: of the prior art references considered none has disclosed a plane diffraction grating having grooves formed on the surface thereof and the diffraction grating is rotated about an axis, defined as rotational axis, and the profile of the grooves at a *radial area* defined by the *azimuthal angle ϕ measured with respect to the rotational axis* is determined and dependent on the azimuthal angle, as set forth in the claims. The plane diffraction grating could be a *blazed grating* with the *blaze angle* at a radial area defined by the azimuthal angle ϕ determined by the equation set forth in the claims. The plane diffraction grating may also be a *laminated grating* with the grating depth at a radial area defined by the azimuthal angle ϕ determined by the equations set forth in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Audrey Y. Chang whose telephone number is 571-272-2309. The examiner can normally be reached on Monday-Friday (8:00-4:30), alternative Mondays off.

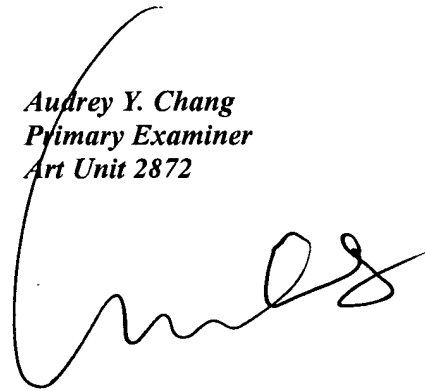
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Dunn can be reached on 571-272-2312. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2872

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Audrey Y. Chang
Primary Examiner
Art Unit 2872

A. Chang, Ph.D.

A handwritten signature in black ink, appearing to read 'Audrey Y. Chang', is written over the typed name and title.